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To: Renata Hesse	From: David P. Hudyma Jr.
Fax: 202-307-1454	Pages: 2
Phone:	Date: 01/08/02
Re: Microsoft Settlement Comment	CC:

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● **Comments:**

The attached letter expresses my opposition to the currently proposed DoJ settlement in the Microsoft anti-trust case.

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January 8, 2002

Renata Hesse
Trial Attorney
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Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

I am writing to comment on the proposed settlement in the U.S. vs. Microsoft anti-trust case. After reading the proposal and the opinions of those with a more complete understanding of the legal issues involved, I can do nothing but oppose the settlement. It amounts to a token punishment without any real enforcement and worse it may serve as tools for Microsoft expand their monopolies through creative interpretation of the clauses as they did with the original DoJ agreement.

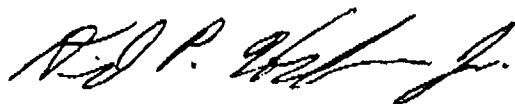
Any remedy to Microsoft's anti-competitive behavior must disable the ability to leverage their monopolies in desktop operating systems and office software. The most attention needs to be given to the areas of application programming interfaces (API's), communications protocols and file formats. In addition, the chosen remedies must be strictly enforced and include *full public disclosure*.

First, Microsoft must publicly disclose all Windows and related API's. Changes to the API's need to be released six months before the software and should be administered by an independent standards body. This will prevent Microsoft from disabling competing software through careful manipulation and changes to the Windows API's. It is critical that all of this information be released publicly to ensure that anyone, from corporations to individuals, can write fully compatible Windows software.

Second, the use of proprietary communications protocols by Microsoft must be prevented. This is something they have done often in the past. They are doing it again by creating proprietary XML, and Kerberos formats in support of their .NET initiative. This potentially puts control of the flow of information online into the hands of a single corporation already convicted of illegal practices. Therefore, Microsoft should only be allowed to use industry standard communications and authentication protocols as established by an independent standards body.

Finally, due to the nearly universal adoption of MS Office products by home and business users these products have resulted in their own standard communications format embodied by the .doc, .xls and .ppt files generated by the applications. To communicate effectively by computer in business and even at home one is required to own the latest copy of Office. Therefore, the details of the file format used by Word, Excel and PowerPoint must be released to the public domain and be monitored by an independent standards body. This allows the development of competing, 100% compatible office products and offers the best chance of restoring competition to a market stifled by Microsoft.

Sincerely,



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